

Appln. No. 09/700,879
Amd. dated September 22, 2004
Reply to Office Action of July 1, 2004

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 1, 3, 5-12, 17-19, and 22-25 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 12, 17, 19 and 25 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the amendments to the claims. Claims 12, 17 and 25 no longer depend from cancelled claims 20 and 21. Claim 19 is now amended to clarify it is the bond between the spacer and hyaluronic acid that is selected from the recited Markush group.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1, 8, 11, 12, 19, 23, and 24 have been rejected under 35 U.S.C. §102(b) as being anticipated by Preswich et al. (U.S. Patent 5,874,417).

Claims 1, 3, 5-17, 17-19, and 22-25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Prestwich et al. (U.S. Patent 5,874,417) and Gallardy (WO 92/09556).

Claims 1, 3, 5-12, 17-19, and 22-25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Prestwich and

Appln. No. 09/700,879
Amd. dated September 22, 2004
Reply to Office Action of July 1, 2004

Gallardy in further view of Bemis et al. (U.S. Patent 6,147,080)
or Wunderlich et al. (U.S. Patent 6,066,332).

The above three prior art rejections, which all rely on
Prestwich et al. (U.S. Patent 5,874,417) as a primary reference,
are obviated because the Prestwich reference is antedated by the
attached certified English translations of the three Japanese
priority documents. Applicants' claim to foreign priority is now
perfected.

Reconsideration and withdrawal of the prior art
rejections are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C.
§112 and define patentable subject matter warranting their
allowance. Favorable consideration and early allowance are
earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By

A handwritten signature in black ink, appearing to be 'Allen C. Yun', written over a horizontal line.

Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\Y\YUAS\Tamura 5\PTO\amd after final OA 7-1-04.doc